

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

LAYNE DREXEL,

Plaintiff,

v.

HARLEYSVILLE INSURANCE CO.,

Defendant.

Civil Action No.

**NOTICE OF REMOVAL**

TO THE CHIEF JUDGE AND JUDGES AND CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Please take notice that Defendant Harleysville Mutual Insurance Company, (hereinafter “Harleysville”) incorrectly identified in the Complaint as Harleysville Insurance Company, removes this action pursuant to 28 U.S.C. §1441 and §1446, and in support of the removal, states as follows:

1. Plaintiff Layne Drexel (“Drexel”) brought this action against Harleysville in the Superior Court of Delaware in and for New Castle County, by filing a Complaint on or about May 9, 2005. This lawsuit was assigned the case number C.A. No. 05C-05-80 CLS. A true and correct copy of the Complaint and related documents is attached hereto as Exhibit “A.”

2. Pursuant to 18 Del. C. § 525, Drexel served the complaint on the Delaware Insurance Commissioner on May 24, 2005. On or about May 27, 2005, the Delaware Insurance Commissioner sent the Complaint to Harleysville via certified mail.

3. The Complaint constitutes all process, pleadings and orders received by Harleysville in this action.

4. The basis for removal is diversity of citizenship. Pursuant to 28 U.S.C. § 1332(a)(1), United States District Courts have jurisdiction over all civil actions where the matter in controversy exceeds \$75,000, exclusive of interests and costs, and is between citizens of different states.

5. Upon information and belief, Drexel is an adult resident of the State of Delaware, residing at 1910 Old Capitol Trial in Newark, Delaware.

6. Harleysville Mutual Insurance Company was, at the time this action was commenced, and is, a corporation organized and existing under the laws of the State of Pennsylvania, with its principal place of business in Harleysville, Pennsylvania. Accordingly, under 28 U.S.C. § 1332(c)(1), Harleysville is a citizen of Pennsylvania.

7. According to the Complaint, Drexel seeks to recover compensatory damages in excess of \$53,675.20. Drexel also purports to state causes of action for bad faith breach of contract and promissory estoppel and seeks to recover punitive damages and attorneys' fees.

8. In light of the allegations in the Complaint and Drexel's demand for compensatory damages, punitive damages, as well as attorneys' fees, the amount in controversy exceeds \$75,000.

9. Moreover, complete diversity of citizenship exists between Drexel, a Delaware citizen, and Harleysville, a Pennsylvania citizen.

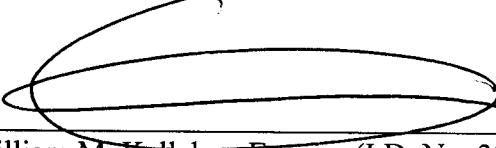
10. This present lawsuit is removable from the State Court to the United States District Court for the District of Delaware pursuant to 28 U.S.C. § 1332(a)(1) and § 1441(a).

11. This Notice is timely, it being filed within thirty (30) days of Harleysville's receipt of a copy of the Complaint setting forth the claims for relief upon which the action is based as provided under 28 U.S.C. § 1446(b).

12. Harleysville will give written notice of the filing of this Notice of Removal to the plaintiff and to the Clerk of the Superior Court of the State of Delaware in and for New Castle County as required by 28 U.S.C. § 1446(d).

**WHEREFORE**, Defendant Harleysville, having met all of the requirements for removal under 28 U.S.C. §§ 1441 and 1446, including all jurisdictional requirements established by 28 U.S.C. § 1332, requests that the above-captioned action proceed in this Court.

**BALLARD SPAHR ANDREWS &  
INGERSOLL, LLP**

BY: 

William M. Kelleher, Esquire (I.D. No. 3961)  
919 N. Market Street, 12<sup>th</sup> Floor  
Wilmington, DE 19801-3034  
302-242-4465

Attorney for Defendant,  
Harleysville Mutual Insurance Company

Dated: *24 June 05*

Of counsel:

John C. Grugan, Esquire  
Kelly L. Gibson, Esquire  
**Ballard Spahr Andrews & Ingersoll, LLP**  
1735 Market Street, 51<sup>st</sup> Floor  
Philadelphia, PA 19103-7599  
215-665-8500